

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CONSTITUTION PIPELINE
COMPANY, LLC

Plaintiff,

v.

A PERMANENT EASEMENT FOR:
0.89 ACRES AND TEMPORARY
EASEMENT FOR 1.08 ACRES
IN SIDNEY, DELAWARE COUNTY,
NEW YORK, TAX PARCEL
NUMBER 139.-1-12.3,
DOUGLAS BARNARD, et al.

Defendants.

Case No. 3:14-cv-02002-NAM-RFT

Electronically Filed

ORDER

AND NOW, this 18th day of February, 2015, upon consideration of Plaintiff's Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65, and the documents and arguments submitted in reference thereto, and the Motion is hereby GRANTED and:

(a) Upon filing the bond required below, beginning February 16, 2015, Plaintiff Constitution Pipeline Company, LLC ("Constitution") is granted access to, possession of and entry to the following Rights of Way:

1. A permanent right of way and easement, containing 0.89 acres, as described as "Area of Permanent Right of Way" in Exhibit A attached hereto, for the purpose of constructing, operating, maintaining, altering, repairing, changing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Federal Energy

Regulatory Commission pursuant to the Natural Gas Act and the Order of the Federal Energy Regulatory Commission dated December 2, 2014, Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Defendants shall have a right of ingress and egress across the permanent right of way, but Defendants shall not build any permanent structures on said permanent right of way or any part thereof, shall not change the grade of said permanent right of way, or any part thereof, shall not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff's lawful exercise of any of the rights herein granted without first having obtained Plaintiff's approval in writing, and Defendants will not permit others to do any of said acts without first having obtained Plaintiff's approval in writing, except that the landowner may construct a single driveway that crosses the permanent right of way perpendicularly after providing reasonable notice to Plaintiff provided that Defendants do not excavate or change the grade of the permanent right of way during construction of said driveway. Plaintiff shall have the right to cut the driveway if necessary to access the pipeline, but will restore the driveway to its original condition. Within the permanent right of way, Plaintiff shall also have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto.

2. Temporary easement of 1.08 acres, as described as "Area of Temporary Workspace" in Exhibit A attached hereto, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all activities required by the Order of the Federal Energy Regulatory Commission dated December 2, 2014, Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014).

(b) Constitution shall post a bond in the amount of \$88,000.00 as security for the payment of just compensation to Defendants.

(c) Constitution shall record this Order in the County Clerk's Office of Delaware County, New York.

IT IS SO ORDERED

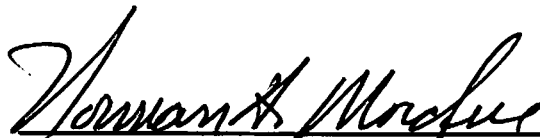
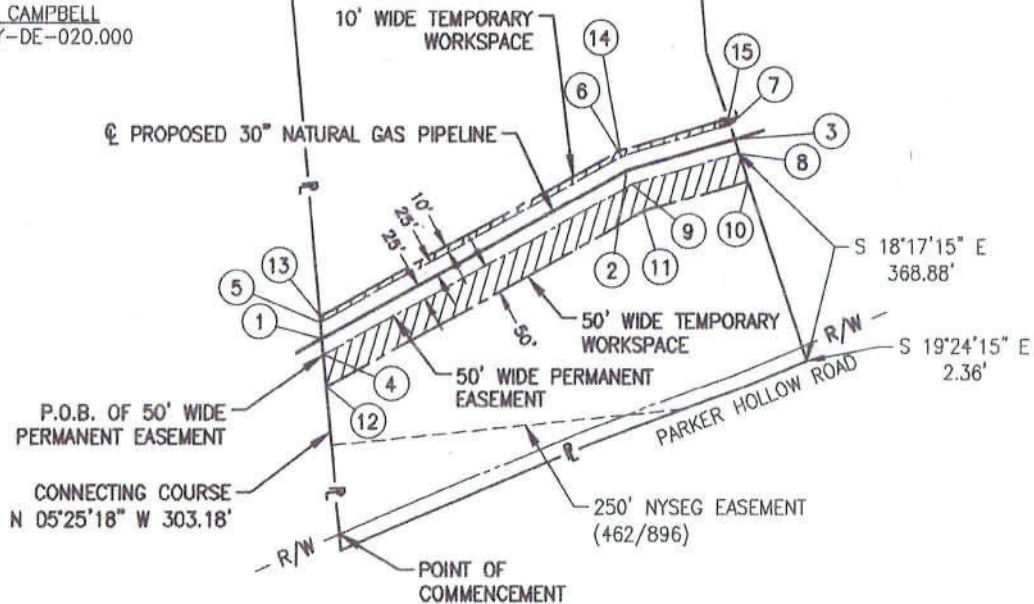

Norman A. Mordue
Senior U.S. District Judge

EXHIBIT A

KEITH A. CAMPBELL
L.L. NO. NY-DE-020.000

DOUGLAS BARNARD and
SUSAN BARNARD
L.L. NO. NY-DE-021.000
TAX PARCEL ID #
139-1-12.3

KING PRESERVATION CLUB 8, LLC
L.L. NO. NY-DE-019.000



NOTES:

1. BEARINGS SHOWN ARE BASED ON NAD 83, UTM ZONE 18N.

2. LENGTH OF PIPELINE 774.85'

AREA OF PERMANENT RIGHT OF WAY 0.89 AC.


AREA OF TEMPORARY WORKSPACE 1.08 AC.

THE INFORMATION SHOWN ON THIS DRAWING IS FROM FIELD SURVEY PERFORMED BY CONSTITUTION PIPELINE COMPANY, LLC FOR THE SOLE PURPOSE OF CREATING A RIGHT OF WAY ACQUISITION AND REPRESENTS THE CONDITIONS AS THEY EXIST ON THE GROUND AS OF THE SURVEY.

NYSPLS LIC. NO. 050820
DONALD P. SCHEL
MASER CONSULTING P.A.

DATE: 7/17/14

0 300 600 900
SCALE IN FEET

DRAWING NO. 26-03-10/0001-57		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF DOUGLAS BARNARD and SUSAN BARNARD TOWN OF SIDNEY DELAWARE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 08-22-13	ISSUED FOR BID:	SCALE: 1"= 300'
A	08-20-13	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			CHECKED BY: MAC	DATE: 01-10-14	ISSUED FOR CONSTRUCTION:	
B	12-12-13	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: DPS	DATE: 04-24-14	DRAWING NUMBER: 26-06-85/55.52-1-1	SHEET 1
C	04-02-14	GIE	REVISED IS - ISSUED FOR CONDEMNATION APPROVAL	1110415			WO: 1110415			OF 3
D	04-28-14	GIE	APPROVED	1110415						
1	07-08-14	GIE	APPROVED	1110415						

PROPOSED 30" NATURAL GAS PIPELINE

POINT#	BEARING	DISTANCE
1-2	N 60°59'10" E	587.09'
2-3	N 73°33'25" E	187.76'

50' WIDE PERMANENT EASEMENT

POINT#	BEARING	DISTANCE
4-5	N 05°25'18" W	54.56'
5-6	N 60°59'10" E	578.93'
6-7	N 73°33'25" E	189.75'
7-8	S 18°11'54" E	50.02'
8-9	S 73°33'25" W	185.77'
9-4	S 60°59'10" W	595.26'

50' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
4-9	N 60°59'10" E	595.26'
9-8	N 73°33'25" E	185.77'
8-10	S 18°11'54" E	50.02'
10-11	S 73°33'25" W	181.80'
11-12	S 60°59'10" W	611.59'
12-4	N 05°25'18" W	54.56'

10' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
5-13	N 05°25'18" W	10.91'
13-14	N 60°59'10" E	575.66'
14-15	N 73°33'25" E	190.54'
15-7	S 18°11'54" E	10.00'
7-6	S 73°33'25" W	189.75'
6-5	S 60°59'10" W	578.93'



NYSPLS LIC. NO. 050820
DONALD P. SCHEL
MASER CONSULTING P.A.

DATE:

7/17/14

DRAWING NO. 26-03-70/0001-57		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF DOUGLAS BARNARD and SUSAN BARNARD TOWN OF SIDNEY DELAWARE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 08-22-13	ISSUED FOR BID:	SCALE: NONE
A	08-29-13	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			CHECKED BY: MAC	DATE: 01-10-14	ISSUED FOR CONSTRUCTION:	
B	12-12-13	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: DPS	DATE: 04-24-14	DRAWING NUMBER: 26-06-85/55.52-2-1	SHEET 2
C	04-02-14	GIE	REVISED INS - ISSUED FOR CONDEMNATION APPROVAL	1110415			W.O. 1110415			OF 3
D	04-28-14	GIE	APPROVED	1110415						
1	07-09-14	GIE	APPROVED	1110415						

DESCRIPTION OF A PROPOSED 50' PERMANENT EASEMENT ACROSS PROPERTY OF
DOUGLAS BARNARD and SUSAN BARNARD
TAX PARCEL ID # 139-1-12.3, LIBER 1259, PAGE 255
LOCATED IN THE TOWN OF SIDNEY
DELAWARE COUNTY, NEW YORK

Commencing at a point in the intersection of the North Right-of-Way line of Parker Hollow Road and the West boundary line of the aforementioned parcel, said point being the Southwest corner and Point of Commencement; thence along the West boundary line of said parcel of land N 05°25'18" W a distance of 303.18 feet to a point, said point being the Point of Beginning;
Thence, N 05°25'18" W a distance of 54.56 feet to a point;
Thence, N 60°59'10" E a distance of 578.93 feet to a point;
Thence, N 73°33'25" E a distance of 189.75 feet to a point located in the division line between lands of King Preservation Club 8, LLC to the East and lands of Douglas Barnard to the West;
Thence, along said division line, S 18°11'54" E a distance of 50.02 feet to a point;
Thence, through the lands of Douglas Barnard, S 73°33'25" W a distance of 185.77 feet to a point;
Thence, S 60°59'10" W a distance of 595.26 feet to the Point of Beginning containing 0.89 acres.

All this is more fully shown on Drawing No. 26-06-85/55.52-1 thru 3 entitled "Constitution Pipeline Company, LLC - Property of Douglas Barnard and Susan Barnard - Located in the Town of Sidney, - Delaware County, New York" dated July 09, 2014.

DESCRIPTION FOR THE PROPOSED 50' TEMPORARY WORKSPACE

Beginning at a point in the West boundary line, said point being the point of Beginning for the Proposed 50' Temporary Workspace;
Thence, N 60°59'10" E a distance of 595.26 feet to a point;
Thence, N 73°33'25" E a distance of 185.77 feet to a point located in the division line between lands of King Preservation Club 8, LLC to the East and lands of Douglas Barnard to the West;
Thence, along said division line, S 18°11'54" E a distance of 50.02 feet to a point;
Thence, through the lands of Douglas Barnard, S 73°33'25" W a distance of 181.80 feet to a point;
Thence, S 60°59'10" W a distance of 611.59 feet to a Point;
Thence, N 05°25'18" W a distance of 54.56 feet to the Point of Beginning containing 0.90 acres.

The 0.90 acres being part of the 1.08 acre total, as shown on Sheet 1, "Area of Temporary Workspace".


DESCRIPTION FOR THE PROPOSED 10' TEMPORARY WORKSPACE

Beginning at a point in the West boundary line, said point being located; N 05°25'18" W a distance of 54.56 feet, from the said point of Beginning for the Proposed 50 feet Permanent Easement;
Thence, N 05°25'18" W a distance of 10.91 feet to a point;
Thence, N 60°59'10" E a distance of 575.66 feet to a point;
Thence, N 73°33'25" E a distance of 190.54 feet to a point located in the division line between lands of King Preservation Club 8, LLC to the East and lands of Douglas Barnard to the West;
Thence, along said division line, S 18°11'54" E a distance of 10.00 feet to a point;
Thence, through the lands of Douglas Barnard, S 73°33'25" W a distance of 189.75 feet to a point;
Thence, S 60°59'10" W a distance of 578.93 feet to the Point of Beginning containing 0.18 acres.

The 0.18 acres being part of the 1.08 acre total, as shown on Sheet 1, "Area of Temporary Workspace".

NYSPLS LIC. NO. 050820
DONALD P. SCHEL
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C	04-02-14	GIE	REVISED WS - ISSUED FOR CONDEMNATION APPROVAL	1110415			WO: 1110415			OF 3
D	04-28-14	GIE	APPROVED	1110415						
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